



COUNCIL MINUTES

February 19, 2009

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on February 19, 2009 at 7:32 a.m.

COUNCIL PRESENT

Mayor Scott Smith
Alex Finter
Dina Higgins
Dennis Kavanaugh
Dave Richins

COUNCIL ABSENT

Kyle Jones
Scott Somers

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Linda Crocker

Mayor Smith excused Vice Mayor Jones and Councilmember Somers from the entire meeting.

1. Hear a presentation, discuss and provide direction on the Mesa Gateway Strategic Development Plan.

Planning Director John Wesley displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office), and he advised that the following recommendations for the Mesa Gateway Strategic Development Plan would require a public review process followed by a Planning and Zoning (P&Z) Board review before returning to the Council for consideration:

- Minor Plan Amendment to modify the existing land use designations.

Mr. Wesley advised that the only area of inconsistency is the Inner Loop area, which has the following options:

- Designate specific land use areas.
- Use existing mixed-use designations.
- Modify one or more existing designations.
- Create a new mixed-use designation.

Mr. Wesley stated that the current Mixed Use/Employment (MU/E) designation with some modifications seems to be appropriate for this area. He advised that any modifications to the MU/E designation would also apply to other areas of the City with that designation and that a staff review determined that the existing MU/E areas would not be impacted by the modifications.

Mr. Wesley outlined the current definitions of MU/E and the proposed modifications (see Attachment 1).

In response to a question from Councilmember Higgins, Mr. Wesley stated that although the term “campus” is suitable for many MU/E areas, the designation could also include an “urban village” and a “suburban/industrial” type of appearance. He noted that the key would be to focus on a coordinated environment.

Mr. Wesley responded to a series of questions from Councilmember Richins by advising that a goal of the Zoning Code Update is to bring the General Plan and the Zoning ordinances into greater conformity. He explained that these modifications to the General Plan would be incorporated into the Zoning Code Update.

Mayor Smith expressed concern regarding the definition of high-density residential development, which relates to a numerical definition. He said that “urban style residential” would be a more desirable designation, particularly as it relates to a loft development with medium density. Mayor Smith suggested that the definitions should relate more to the type and form of the development rather than the numbers.

- Change the definition of a Major Plan Amendment.

Mr. Wesley stated that the definition of a Major Plan Amendment varies by location within the City. He said that changes from employment to residential in the Mesa Gateway Area and changes in excess of 320 acres are considered to be Major Amendments. Mr. Wesley explained that a change from Light Industrial to Mixed Use/Employment on an area less than 320 acres would be a Minor Plan Amendment.

- Plan Amendment to implement the new Mixed Use/Employment designation.

Mr. Wesley said that staff would work with property owners in the Inner Loop to obtain their consensus and support. He said that smaller groups of properties could be addressed by a series of Minor Plan Amendments, which is staff’s recommendation.

In response to a request from Mayor Smith, Mr. Wesley explained that a Minor Plan Amendment can be filed at any time utilizing a process similar in manner to other site plan or zoning changes and can be accomplished within a four to five month timeframe. He advised that all Major Plan Amendments, which require a more extensive public review, must be heard by the Council at only one time during the year and are processed within a nine month timeframe. Mr. Wesley noted that a series of Minor Plan Amendments would be more conducive to implementing the Gateway Strategic Plan.

Mayor Smith stated the opinion that regardless of the size of the property, a proposed change that is consistent or enables the property to be consistent with the approved definitions in the Strategic Plan should be easily facilitated. He said that acreage would not be the critical factor because a small parcel could have a far reaching impact on other properties in the area. He suggested that references to the Strategic Plan be included in the definitions of Major and Minor General Plan Amendments. Mayor Smith further stated the opinion that the Strategic Plan incorporates sufficient flexibility to facilitate compliance by property owners, and he added any proposal to deviate from the Plan would be subject to a rigorous process.

Councilmember Richins noted that although the Gateway Strategic Plan was approved by the Council, the General Plan was approved by the voters.

City Attorney Debbie Spinner advised that the Council has the authority to establish the definition of a Major and a Minor General Plan Amendment, after which the State Statutes determine the process to be followed for each.

Mayor Smith said that the voter-approved General Plan is presently in place and that the Strategic Plan anticipates that properties in the Gateway area will seek changes as development of the area progresses.

Responding to comments from Councilmember Richins, Mayor Smith concurred that changes to the Gateway Strategic Plan have increased property values in the area. He noted that the proposed Gateway Freeway has refined the potential for development.

Mr. Wesley said that based on Council input, staff would clarify the definitions of a Mixed Use/Employment designation and a Major General Plan Amendment.

Mayor Smith thanked staff for the presentation.

2. Hear a presentation, discuss and provide direction on the Zoning Code Update.

Zoning/Civil Hearing Administrator Gordon Sheffield said he would provide a brief overview of the progress related to Module 3 of the Zoning Code Update. He explained that form-based codes are fundamentally different from the codes currently utilized by the City. Mr. Sheffield displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) to provide information regarding Module 3. He outlined the tasks for the entire Update and reported on the tasks that remain to be completed (see Attachment 2). Mr. Sheffield referred to the goals of the project and outlined how the Update would increase the ease of use and provide a simplified understanding of the Code (see Attachment 3).

Mr. Sheffield reviewed the following Overlay Districts in Module 3 and provided details regarding the proposed revisions (see Attachment 4):

- AF Airfield Overlay
- AS Age Specific Overlay
- BIZ Bonus Intensity Zone Overlay
- DMP Development Master Plan Overlay
- HP Historic Preservation Overlay
- HL Historic Landmark Overlay
- IN Infill Overlay (new)
- PAD Planned Area Development Overlay.

In response to a question from Mayor Smith regarding the application of an Age Specific Overlay to the annexation of an age 55+ community, Mr. Sheffield stated that the City would utilize an administrative process to assign a zoning classification closest to the County's zoning.

Responding to a question from Councilmember Finter regarding the Air Field Overlay, Mr. Sheffield advised that the Zoning Code Update would change the standards for the overlay

area, and he noted that the areas falling within the noise contours lines have diminished. He added that staff plans to be flexible in working with applicants.

Mayor Smith suggested that wording be included in the Update that would encourage staff to utilize a common sense approach when working with applicants.

Discussion ensued relative to the fact that some municipalities require real estate agents to provide noise contour maps for areas around an airport; that properties in flight path areas have the information attached to the deed; and that the City of Mesa does not regulate real estate agents.

City Attorney Debbie Spinner suggested that the City could investigate ways to make the public aware of which areas in the City are affected by aircraft noise.

Mr. Sheffield noted that the Zoning Code Update includes a mandatory notification in tenant rental agreements when the property is located within the noise contour lines.

In response to comments by Mayor Smith that the noise contour lines around the Phoenix-Mesa Gateway Airport do not reflect actual flight patterns, Planning Director John Wesley stated that staff works closely with airport personnel to apply overlay standards as stipulations to specific cases in an area generally defined as south of the U.S. 60 and east of Power Road.

Mr. Sheffield advised that both the Bonus Intensity Zone (BIZ) and the Planned Area Development (PAD) authorize the Council to approve plan-based deviations to the Development Standards. He said that the BIZ would address small and mixed-use projects while a PAD would focus on small or medium sized projects that include multiple uses, and he outlined the manner in which each would be utilized (see Attachment 5).

Mr. Sheffield provided an overview of the Development Master Plan (DMP), Historic Overlays, and the Infill Overlay (IN) designations (see Attachment 6).

Responding to a question from Councilmember Richins regarding language in the draft that references employment in infill districts, Mr. Sheffield advised that he was seeking clarification from the City's consultant.

In response to an example cited by Councilmember Finter regarding possible future development of an infill property consisting of less than 2.5 acres, Mr. Sheffield advised that the owner is likely eligible for a Development Incentive Permit that provides for relaxed setback and landscaping standards. He added that for infill properties in excess of 2.5 acres the Council could initiate an overlay district or the owner could initiate a rezoning of the property.

Mayor Smith said he has had a great deal of experience and interest in infill projects, and he said that the City should actively encourage infill development. He noted that infill development poses a higher risk for the developer, and he stated the opinion that the City's regulations should take risk into consideration. He suggested that infill stakeholders be invited to share with staff the obstacles encountered with these types of projects so that an easier process can be facilitated.

Further discussion ensued relative to the fact that the requirements for trees are being reduced; and that the process should not require trees to be planted under power lines;.

Mr. Sheffield reviewed the Landscaping Requirements and the proposed revision to allow “averaging” the depth of a foundation (see Attachment 7), which would enable the architect to have more design flexibility and be more creative. He reviewed the following parking standards:

- A shared parking analysis where two properties with different hours of operation can share a parking area.
- Bicycle and motorcycle parking ratios are established.
- Small additions without new parking space requirements are permitted.
- The installation of compact parking stalls is authorized.
- Mandatory bicycle parking is added.
- Optional parking for motorcycles and scooters is added.
- Loading requirements are specified.
- The same ratios and standard sizes are maintained.

Responding to comments by Mayor Smith, Mr. Sheffield stated that the existing ordinance does not provide the flexibility to adjust parking requirements for a new use of an existing building, but the proposed Update would address that issue. He added that the Update would provide greater flexibility to the Zoning Administrator in determining the appropriate parking for a site and enable consideration of other factors, such as valet parking, off-site parking, special needs, etc.

In response to a question from Councilmember Higgins regarding landscaping for offices in proximity to an airport, Mr. Sheffield advised that the landscaping requirements would not be completely eliminated, but there would be some flexibility in the requirements. He noted that landscaping issues for Falcon Field Airport may be addressed by an overlay case, and he reported that staff is working with the Airport Director on this issue. Mr. Sheffield explained that an appeal of a Zoning Administrator's decision is heard by the Board of Adjustment.

Mayor Smith suggested that a discussion of form-based codes be postponed until the next Study Session on February 26, 2009. He thanked Mr. Sheffield for the presentation and for his efforts with regard to the Zoning Code Update.

3. Hear reports on meetings and/or conferences attended.

Mayor Smith: Visit to Mesa by President Barrack Obama.

4. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Thursday, February 26, 2009, 7:30 a.m. – Study Session

Thursday, February 26, 2008, 9:00 a.m. – General & Economic Development Meeting

Saturday, February 28, 2008, 7:00 a.m. – District 1 Top to Bottom Clean-Up Event

Monday, March 2, 2009, TBA – Study Session

Monday, March 2, 2009, 5:45 p.m. – Regular Council meeting

5. Prescheduled public opinion appearances.

- a. Hear from James E. Gardner, Jr. regarding unlicensed contractors.

(Mr. Gardner rescheduled his appearance to the February 26, 2009 Study Session.)

6. Items from citizens present.

There were no items from citizens present.

7. Convene an Executive Session.

(The Executive Session was postponed to a future date.)

- a. Discussion or consultation with the City Attorney in order to consider the City's position and instruct the City Attorney regarding the City's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. §38-431.03A(4))

1. Corliss v. City of Mesa, CV 2006-015124

8. Adjournment.

Without objection, the Study Session adjourned at 8:58 a.m.

SCOTT SMITH, MAYOR

ATTEST:

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 19th day of February, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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Attachments (7)